



## **Zoning Administrator NOTICE OF DECISION**

**Date:** December 16, 2013  
**Applicant:** Gene Cipparone  
**Case No.:** PCC-13-039  
**Address:** 260 Trousdale Drive  
**Project Planner:** Caroline Young

Notice is hereby given that on December 16, 2013, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-13-039, filed by Gene Cipparone ("Applicant"). The Applicant requests to allow a 430 square-foot temporary use of a modular office building for Angelo's Towing. The Project is located at 260 Trousdale Drive ("Project Site") and is owned by Hunn Family Trust ("Property Owner"). The .79 acre Project Site is zoned Limited Industrial (IL) and has a General Plan designation of Limited Industrial (IL). The Project is more specifically described as follows:

The Project includes the temporary use of a 430 square-foot modular office building for Angelo's Towing. The temporary modular office building will be located adjacent to the western property line within the parking lot area. The remaining portion of the site will be used for the storage of vehicles that are towed. Adjacent to the property to the west is another towing facility that will utilize the proposed fire truck turn around area proposed for this project. A new gate will provide access for the Fire Department between the two parcels.

Planning staff has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code (CVMC), has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.**

The temporary modular office building is necessary to assist the company in providing additional office space in order to accommodate the administrative work provided to the customers. The temporary building will be located adjacent to the western property line within the parking lot area. The existing perimeter fence, gate, and the landscaping on the site will screen the temporary office building from public view. Therefore, the proposed use would contribute to the well being of the neighborhood and provide an additional service to the customers.

- 2. That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The modular office building is temporary until a permanent location is established on the site. The office building will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

- 3. That the proposed use will comply with the regulations and conditions specified in the code for such use.**

With the approval of this conditional use permit, the subject property meets all regulations of a temporary use in the IL zone. The conditional approval of PCC-13-039 requires continued compliance with all conditions, codes and regulations, as applicable, for the duration of this entitlement.

- 4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

The General Plan does not address temporary uses, thus the proposed temporary modular office building, as conditioned, is consistent with the adopted General Plan.

Approval of PCC-13-039 is conditioned upon the following:

- I. Within 60 days or prior to the issuance of any building permit, the applicant shall satisfy the following requirements:**

1. The property owner and the applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the property owner and applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the property owner/applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

**Development Planning Division Conditions:**

2. The Applicant shall obtain approval of a sign permit for each sign by the Development Services Department. Signs shall comply with all applicable requirements of the Municipal Code.

**Land Development Division Conditions:**

3. The following fees will be required based on the final building plans submitted per the Master Fee Schedule:
  - a. Sewer Connection and Capacity Fees (if connecting sewer)
  - b. Traffic Signal Fee (if adding trips)
  - c. Western Transportation Development Impact Fees (WTDIF)
4. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of the following items:
  - a. Grading Plans
5. Prior to the approval of the building permit, the Applicant shall submit duplicate copies of all commercial projects in digital format, such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAP 83, Zone 6) in accordance with the City's Guidelines for Digital Submittal. DXF files shall include a utility plan showing any and all proposed sewer or storm drain on site.
6. All driveways shall conform to the City of Chula Vista's sight distance requirements in accordance with Section 18.16.220 of the Municipal Code. Also, landscaping, street furniture, or signs shall not obstruct the visibility of driver at the street intersections or driveways.
7. A driveway variance will be required since driveway openings will exceed 40% of lot frontage. All driveway openings have to be a minimum of 16 feet, and at least a foot away from the property line.
8. Streets or driveways within the complex shall be designated as private.
9. Prior to building permit approval, clearly show the existing and proposed sanitary sewer lines and how the site will connect to the City's public sewage system. No sewer lines will be allowed to be located under existing or proposed buildings. Indicate whether sewer lines are private or public.
10. The Applicant shall submit a Land Development Permit if the proposed grading on the site will be over 250 cubic yard of earthwork prior to the approval of the building permit.
11. The Project shall comply with all requirements of the Chula Vista Development Storm Water Manual for both construction and post-construction phases of the project. Prior to


building permit approval, documentation shall be provided, to the satisfaction of the City Engineer, to demonstrate such compliance.

12. Development of this Project shall comply with all requirements of State Water Resources Control Board (SWRCB) NPDES General Permit No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity, and any subsequent re-issuances thereof. In accordance with said Permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrent with the commencement of grading activities. The SWPPP shall specify construction structural and non-structural pollution prevention measures.
13. A complete and accurate Notice-of-Intent (NOI) must be filed with the SWRCB. A copy of the acknowledgement from the SWRCB that a NOI has been received for this project shall be filed with the City of Chula Vista when received. Further, a copy of the completed NOI from the SWRCB showing the Permit Number for this project shall be filed with the City of Chula Vista when received.
14. Site design shall include features to meet NPDES Municipal Permit Standards. These features shall maximize infiltration and minimize impervious land coverage while conveying storm water runoff.
15. Where feasible, storm water runoff from parking areas and roofs shall be directed to landscaped areas before discharge to storm drainage systems.
16. All on-site storm drain inlets and catch basins shall be provided with permanent stenciling and signage according to City of Chula Vista standards to prohibit illegal discharge to the storm drain system.
17. The Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the project prior to issuance of any Grading or Building Permits, whichever occurs first.
18. The Applicant shall submit Improvement Plans in conformance with the City's Subdivision Manual and a Construction Permit will be required prior to issuance of any Building Permits. The Improvement Plan shall include but not be limited to:
  - a. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions. The right-of-way shall be inspected for any repairs to curb or sidewalk.
19. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.

20. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.
  21. Any private facilities within Public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or building permit approval.
  22. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be undergrounded in accordance with the Chula Vista Municipal Code. Further, all new utilities serving the subject property shall be undergrounded prior to the issuance of Building Permits.
- II. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.
1. The Applicant shall maintain the Project in accordance with the plans for PCC-13-039, date stamped on December 16, 2013, which includes a site plan on file in the Planning Division, the conditions contained herein, and Title 19.
  2. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this conditional use permit.
  3. Any violation of the conditions listed herein shall be sufficient grounds for the Zoning Administrator to revoke the Conditional Use Permit.
  4. The temporary permit shall expire in two (2) years after the date of its approval by the Zoning Administrator. Prior to the expiration of this conditional use permit, the applicant may request an extension from the Zoning Administrator for a period not to exceed one (1) year. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval, and shall determine, in consultation with the applicant, whether the project shall be modified from its original approval. No more than one (1) extension shall be granted for the temporary land use.
  5. The Applicant and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant successors and assigns.

6. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
7. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 16<sup>th</sup> day of December 2013.

  
Mary Ladiana  
Zoning Administrator